

**MAGNATE, LLC SITE
EDINBURG, SHENANDOAH COUNTY, VIRGINIA
LIEN HEARING ADMINISTRATIVE RECORD (LHAR)
DOCKET NO. CERCLA-03-2019-0120LL**

1. Notice of Intent to Perfect Federal Superfund Lien; Opportunity To Be Heard (with attachments) Letter from Cecil Rodrigues, Acting Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, (July 1, 2019).
2. Certificate of Service (with attachments) - Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, certifying that copies of the following documents were provided to Bradley Pollack, Esq. and Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III:

Attachment

1. Order of Assignment (September 11, 2019);
 2. Email from Bradley Pollack, Esq., to Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Magnate LLC, Site, Notice of Intent to Perfect CERCLA 107(l) Lien (July 28, 2019), with attached unsigned letter from Darryl W. Bates to Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Letter of Response to Notice of Intent to Perfect Federal Superfund Lien (July 4, 2019); and
 3. EPA's "Supplemental Guidance on Federal Superfund Liens" (OSWER Directive No. 9832.12-1a (July 29, 1993).
3. EPA Lien Filing Record and Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, Lien Proceeding, (September 12, 2019).

Attachment

1. Deed between Donald D. Litten, Special Commissioner, in the Civil Action of County of Shenandoah v. John van der Velde, et. al., Grantor, and Magnate, LLC, Grantee, dated September 20, 2007, and recorded in the Shenandoah County, Virginia land records in Book 1385, Page 94;
2. Trustee's Deed between Bradley G. Pollack, Substitute Trustee, Grantor, and Magnate, LLC, Grantee, dated March 9, 2009, and recorded in the Shenandoah County, Virginia land records in Book 1442, Page 648;
3. Subdivision Plan recorded in Shenandoah County, Virginia Plat Book 1516, Page 135;

4. Printout from Shenandoah County, Virginia website for Parcel no. 0701001G (searched/printed June 5, 2019);
 5. Printout from Shenandoah County, Virginia website for Parcel No. 0701001G (searched/printed June 5, 2019);
 6. Memorandum from Myles Bartos, On Scene Coordinator, to Karen Melvin, Director, Hazardous Site Cleanup Division, re: "Request for Approval and Funding for a Removal Action at the Magnate, LLC Site, Edinburg, Shenandoah County, Virginia," approved May 31, 2018;
 7. Memorandum from Myles Bartos, On Scene Coordinator, to Paul Leonard, Acting Director, Hazardous Site Cleanup Division, re: "Request for Additional Funding and change of Scope for a Removal Action at the Magnate, LLC Site, Edinburg, Shenandoah County, Virginia," approved March 13, 2019.
 8. Pollution Reports Nos. 1-13 (February, 2016 to May 4, 2019);
 9. Report of Response Costs from February 7, 2016 through May 23, 2019 for the Magnate, LLC Site (June 3, 2019) (reconciliation pending);
 10. Letter from Joan Armstrong, Office of Enforcement, Hazardous Site Cleanup Division, EPA Region 3, to Magnate, LLC/Darryl Bates, Managing Member, re "Notice of Potential Liability" (February 13, 2018) (overnight mail);
 11. Letter from Peter Ludzia, Branch Chief, Program Support & Cost Recovery Branch, Superfund & Emergency Management Division, EPA Region 3, to Magnate, LLC/Darryl Bates, Managing Member, re: "re-Transmittal of Notice of Potential Liability" (June 5, 2019); 11.a – PS Form 3811 Domestic Return Receipt for Article Number 7017 1450 0000 2079 2210 signed by Darryl Bates (undated)
 12. Letter from Myles Bartos to Magnate, LLC (April 3, 2018);
 13. Unsigned Letter from Magnate, LLC to USEPA (April 10, 2018);
 14. Letter from Andrew S. Goldman, Sr. Assistant Regional Counsel, to Magnate, LLC (April 19, 2018);
 15. Email from Darryl Bates to Myles Bartos (May 10, 2018);
 16. Memorandum to File (Myles Bartos) (June 8, 2018)l
 17. Complaint filed by United States in *United States v. Magnate, LLC*, No. 5:18-cv-00127 (W.D. Va.) (October 11, 2018);
 18. Stipulation and Order in Aid of Access filed in *United States v. Magnate, LLC*, No. 5:18-cv-00127 (W.D. Va.) (February 12, 2019).
4. EPA's Rebuttal to Arguments presented by Magnate, LLC in its July 4 and July 28, 2019 Objection to EPA's Perfection of a CERCLA 107(I) Lien (with attached Index, EPA's Rebuttal, and Certificate of Service) - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, Lien Proceeding, (September 26, 2019).

Attachment

1. "Supplemental Guidance on Federal Superfund Liens" (OSWER Directive No. 9832.12-1a (July 29, 1993);
 2. Email from Myles Bartos to Andrew Goldman, Esq., re: "Disposal Reports for Magnate" (August 28, 2019);
 3. Letter from Cecil Rodrigues, Acting Regional Counsel, to Brad Pollack, Esq., re "Notice of Intent to Perfect Federal Superfund Lien; Opportunity to be Heard" (July 1, 2019);
 4. Email from Brad Pollack, Esq. to Andrew Goldman, Esq., re "Notice of Intent to Perfect CERCLA 107(l) Lien" (July 28, 2019);
 5. Letter from Darryl W. Bates, to Andrew Goldman, Esq., re "Letter of Response to Notice of Intent to Perfect Federal Superfund Lien" (July 4, 2019);
 6. Order of Assignment (September 11, 2019);
 7. Email from Carlyn Prisk to Andrew Goldman, Esq., re "Magnate-Ownership Research" (September 5, 2019);
 8. Letter from James C. Sigurdson to Darryl Bates, re "Final Report/Asbestos Abatement/523 Aileen Road, Edinburg, VA" (September 8, 2011);
 9. Memorandum from Myles Bartos to Bonnie Gross, re "Recommendation for Determination of Imminent and Substantial Endangerment at the Magnate LLC Site" (approved January 18, 2018);
 10. UPS Track Sheet from Internet (June 6, 2018); and
 11. Email from Darryl Bates to Myles Bartos, re "Conference Call" (June 8, 2018).
5. Corrected attachments to EPA's Rebuttal to Arguments presented by Magnate, LLC in its July 4 and July 28, 2019 Objection to EPA's Perfection of a CERCLA 107(l) Lien, with corrected attachments and Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, Lien Proceeding, (October 2, 2019).
 6. Order of Assignment and Initial Case Status Conference Call – Scheduling Notice, with attached Order of Assignment - Letter from Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, to Bradley Pollack, Esq., and Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Magnate, LLC Site, (October 3, 2019).
 7. Scheduling Letter - Letter from Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, to Bradley Pollack, Esq., and Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Magnate, LLC Site, (October 18, 2019).

8. Confirmation of Mailing Procedure - Letter from Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, to Bradley Pollack, Esq., and Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Magnate, LLC Site, (November 6, 2019).
9. Resending of Corrected Exhibits to EPA's Rebuttal to Arguments presented by Magnate, LLC, with attached Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, Lien Proceeding, (November 6, 2019).
10. Magnate's Response to EPA Rebuttal of September 26, 2019 - Email from Bradley Pollack, Esq., to Bevin Esposito, Regional Hearing Clerk, EPA Region III (November 14, 2019).
11. Lien Hearing Scheduling Notice - Letter from Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, to Bradley Pollack, Esq., and Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Magnate, LLC Site, (November 21, 2019).
12. EPA's Response to Arguments Presented by Magnate, LLC in its November 14, 2019 Submission Regarding EPA's Perfection of a CERCLA 107(l) Lien, with attached Index, EPA's Response, and Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, Lien Proceeding, (November 26, 2019).
13. Lien Hearing Follow-Up Letter to Joseph Lisa and Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, re: Magnate, LLC Site, Lien Proceeding, (December 13, 2019).
14. Response to EPA Letter of December 13, 2019 - Email from Bradley Pollack, Esq., to Bevin Esposito, Regional Hearing Clerk, EPA Region III, attaching Magnate's Letter to Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, re: (December 23, 2019).
15. Response to Magnate's December 23, 2019 email and letter, with Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, re: Magnate, LLC Site, Lien Proceeding, (December 26, 2019).
16. Summation of Magnate - Email from Bradley Pollack, Esq., to Bevin Esposito, Regional Hearing Clerk, EPA Region III, attaching Letter to Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, re: Magnate, LLC Site, (January 4, 2020).

17. Original Transcript of Magnate, LLC Site Meeting, CERCLA Lien Hearing, Docket No. CERCLA-03-2019-0120LL (December 12, 2019).
18. Post Lien Hearing Scheduling Notice - Letter from Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, to Bradley Pollack, Esq., and Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Magnate, LLC Site, (January 8, 2020).
19. Transcript Errata, with attached Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, Lien Proceeding, (January 8, 2020).
20. CERCLA Lien Hearing – Transcript Error - Email from Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, to Bradley Pollack, Esq., and Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, re: Magnate, LLC Site, (January 16, 2020).
21. CERCLA Lien Hearing – Transcript Error, attaching EPA Inspector General Complaint - Email from Bradley Pollack, Esq., to Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III, re: Magnate, LLC Site, (January 21, 2020).
22. Post-Hearing Brief, with attachments and Certificate of Service - Letter from Andrew Goldman, Senior Assistant Regional Counsel, EPA Region III, to Bradley Pollack, Esq., re: Magnate, LLC Site, Lien Proceeding, (January 28, 2020).
23. Letter from Darryl Bates, re: Magnate’s Response to EPA’s Hearing Response January 28, 2020 - attached to Email from Bradley Pollack, Esq., to Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III (February 3, 2020).
24. Recommended Decision, In the Matter of Magnate, LLC, CERCLA-03-2019-0120LL, issued by Joseph J. Lisa, Regional Judicial and Presiding Officer, EPA Region III (February 12, 2020).